

### **REMARKS/ARGUMENTS**

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this Amendment, claims 44-45 have been added. Thus, claims 22-45 are pending for further examination.

As an initial matter, it is noted that the European patent application corresponding to the above-identified U.S. application was granted on September 27, 2006.

Claims 22-25, 27-32, 38-40, and 42 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Miller (U.S. Patent No. 5,959,869) in view of McGrane (U.S. Patent No. 6,496,927), Martin (U.S. Patent No. 5,355,302), and Korn (U.S. Patent No. 4,766,581). This rejection is respectfully traversed for at least the following reasons.

Claim 22 recites, *inter alia*, “wherein said modification of the operating parameters is obtained by: generating a file of modification commands by the server using information from the database, sending, via the server to the devices concerned, the file of modification commands when the devices are connected, and receiving and executing the file of modification commands by the devices concerned.” This subject matter of claim 22 is not taught or suggested by the four-way combination of Miller, McGrane, Martin, and Korn. Thus, the alleged Miller/McGrane/Martin/Korn four-way combination does not render obvious claim 22 or its dependents).

As a preliminary matter, Applicant respectfully points out that the term “operating parameter” is adequately defined in the claims themselves so as to demonstrate that the very broad interpretation of this term adopted in the Final Office Action is incorrect. Of course, operating parameters correspond to internal functions of the devices, and a set of such operating parameter correspond to a configuration of the device. Detailed examples of such operating

parameters are provided in the specification: They may comprise the cost of each selection, the sound settings (sound level, but also bass and treble), the level of the microphone, the authorization of the use of a remote controller, the authorization of switching from a selection to another during the reproduction of a selection, the authorization of using free credits, the activation or inactivation of internal functions of the device, etc. Martin simply does not disclose this sort of operating parameter.

In any event, Applicant notes that Miller, the base reference in this four-way combination, relates to a vending machine controller having a serial port on the same ship programmable processor. The vending machine controller has multitasking capabilities such as remote price changing and/or remote programming. However, it is abundantly clear to those skilled in the art that this sort of vending machine does not correspond to the kinds of audiovisual reproduction devices to which the instant application is directed. The vending machine of Miller is not even arranged to permit the playing of multimedia files.

It is perhaps not all that surprising, then, that Miller's vending machine controller does not disclose the claimed connection to a central server with storage means including a database comprising all of the configurations of operating parameters of each vending machine. Although the Final Office Action indicates that the connection of the vending machine controller to a remote host corresponds to the features of this claimed database, it is clear that Miller, when read as a whole, teaches that this remote host does not include a database anything like that of the claimed central server. Indeed, Miller's remote host may be understood as a single remote controller or programmer of the vending machine controller.

Further, the Final Office Action asserts that the features concerning modification of the operating parameter are disclosed by the col. 10, line 45 col. 11, line 10 of Miller. However,

according to this passage, the modification technique involves a transfer of a new operating system to the programmable processor of the vending machine and the switching over from the old operating system to the new operating system. According to Miller, the operating parameters are modified by a complete replacement of the content of the operating system. This is contrary to the above-recited feature, which concerns a modification commands file being generated, transferred to the reproduction device, and executed to modify the concerned operating parameters -- without complete replacement.

Additionally, the Examiner considers that the display of prices charged for vended products or scheduling of marketing messages corresponds to the at least one screen of claim 22 for displaying information relating to use of the audio-visual information reproduction device. However, according to claim 22, this screen is displayed on a monitor of the remote operator. This is not the same as Miller, where the display is carried out on the vending machine itself (see, e.g., col. 10, line 48). This simply is not on a display means of a remote operator as recited in claim 22.

In sum, Miller does not relate to the claimed audio-visual information reproduction device, the central server comprising storage means to store a database, the display of a screen on a monitor of the operator to show operating parameters of an audio-visual information reproduction device, or the modification of the operating parameters of an audio-visual information reproduction device. These features are absent from Miller, in addition to those specifically identified in the Final Office Action -- i.e., accessibility through an "Internet" site and a screen comprising a drop-down menu displaying a list of audio-visual information reproduction devices installed locally.

The Final Office Action alleges that McGrane makes up for at least some of these deficiencies. But it is important to note that McGrane is relied upon only to show the screen comprising a particular drop-down menu displayed. The Final Office Action does not provide any credible reasons why one of ordinary skill in the art at the time of the invention would have combined McGrane with Miller, as there no link between these documents. Further, according to the passage of McGrane cited in the Final Office Action, the hypothetical combination is not logical since, according to Miller, the screen displaying information relating to the used of the audio-visual information reproduction device is on a means of the vending machine while the drop-down menu of McGrane shows a list of all the specific devices that the operator has indicated to be in the system. It simply is not logical to display the list of specific devices of the system with a drop-down menu on the screen of one of Miller's vending machines. Miller and McGrane actually teach away from each other in this regard. The alleged Miler and McGrane combination is dubious for at least these reasons.

The Final Office Action still introduces Martin and Korn as third and fourth references in this combination. As previously pointed out, Martin simply does not teach the claimed operating parameters. Of course, Martin explains at col. 6, lines 50-52 that "the central management system sends a delete, modify, add or replace command to the jukebox before downloading into the song library." Such modification and particularly the modification implying a download operation is realized with two successive steps contrary to that which is called for in claim 22 since, when received, the file of modification command is simply executed. This single step operation is explained in the description (e.g., see p. 30, line 36 to p. 31, line 10). Moreover, as mentioned at the end of page 31 and on page 32 in the instant specification, because the ordered songs may be transferred with an intermediary storage on a CD-ROM instead of being directly

downloaded, the file-recuperation operation is realized with a single execution of a file when this file is received. Thus, this claimed file-recuperation is not the two-step operation disclosed by Martin's document. In fact, the claimed arrangement represents an improvement over Martin's techniques.

Korn concerns an information retrieval system comprising servo-arms moving along a track to retrieve disks from storage racks. As mentioned in Korn's abstract, the device comprises a control device to control the operation of the arm, the movement of the storage rack, the operation of reader, and the user stations. The control device includes an interface for connecting a service console that can change operating parameters stored in control device or that can change operating parameters stored in control device or that can download accounting information. However, the amendable operating parameters concern the central controller of the system and not a remote reproduction device of the invention or even one of the remote terminals 30 in Korn. Moreover Korn is unrelated to Applicant's field of endeavor, as it is directed to a solving a different problem in a different way.

The amendment of an operating parameter by the service console 40 is mentioned at col. 23, lines 10-43 of Korn. But the process of these modifications is not detailed. Moreover, as mentioned in Korn, "the service control may cause the central controller to provide information . . . the service person may modify them using the service console, and the service console may be used to command that a video disk menu be reloaded from the disks." Consequently, there is no disclosure of a specific way to modify operating parameters by a remote server -- particularly not according to the arrangement of claim 22. Still further, Korn does not provide information concerning a file of modification commands and the generation step of this file, and the modifications mentioned in Korn are performed from the service console 40 to a central

controller 160, which is an element of the electronic subsystem of the retrieval system 10. As a result, the disclosed control is not realized from a central position to a remote device as called for in claim 22.

In view of the above, Applicant respectfully submits that the alleged four-way combination of Miller, McGrane, Martin, and Korn fails to render obvious claim 22 (and its dependents).

Claim 26 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Miller, McGrane, Martin, Korn, and further in view of Nichols et al. (U.S. Patent No. 6,138,150). Claim 41 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Miller, McGrane, Martin, Korn, and further in view of Kleiman (U.S. Patent No. 5,959,945). Claim 33 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Miller, McGrane, Martin, Korn, and further in view of Rhoads (U.S. Patent No. 6,311,214). Claims 34-37 and 43 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Miller, McGrane, Martin, Korn, and further in view of Dobbs et al. (U.S. Patent No. 5,566,237). The further introduction of Nichols, Kleiman, Rhodes, Dobbs, and/or Gordon does not make up for the above-noted deficiencies with the alleged four-way combination. Thus, Applicant respectfully requests that all § 103 rejections be withdrawn.

New claims 44-45 have been added to seek protection for additional originally disclosed subject matter. The further features of claims 44-45 are not taught or suggested by the prior art of record, alone or in combination. Thus, these claims should be allowable for this reason in addition to their dependence on allowable claim 22.

In view of the foregoing amendments and remarks, withdrawal of the rejections and allowance of this application are earnestly solicited. Should the Examiner have any questions


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regarding this application, or deem that any formalities need to be addressed prior to allowance,  
the Examiner is invited to call the undersigned attorney at the phone number below.

Respectfully submitted,

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